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Kurt A. Summe 3/3/03  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jeffrey S. Kiel et al. Art Unit: 1755  
Serial No. : 10/047,578 Examiner: Kwon  
Filed : October 26, 2001  
For : PHENYLEPHRINE TANNATE AND PYRILAMINE  
TANNATE SALTS IN PHARMACEUTICAL COMPOSITIONS  
Atty Ref. : PEDI-04

Cincinnati, Ohio

March 3, 2003

BOX NON-FEE AMENDMENT  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement set forth in the Office Action dated February 5, 2003, the Applicants hereby elect the claims of Group I, but also including claims 31-48, which the Applicants believe were mischaracterized into Group II. Such Election is made with traverse.

In the Office Action, the Examiner set forth claims 1-21 and 52 in Group I, and claims 22-52 in Group II. Group I claims are indicated as drawn to a composition, whereas Group II claims are indicated as drawn to a process.

However, claim 31, which is the independent claim of the claim set 31-48, is recited as a composition. Through a typographical error, the dependent claims are

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set forth as a "process." In the Preliminary Amendment included herein below, those claims are corrected and amended to also recite a composition. Therefore, claims 31-48, as amended, should be included in Group I, which is elected herein.

The Election is made with traverse as the Applicants submit that searching and examining all of the claims would not be particularly overburdensome, despite any distinctiveness between the claims. Various of the composition claims are set forth as compositions formed from specific method steps or process steps, and thus can be readily searched and examined along with the Group II claims. Accordingly, the Applicants request withdrawal of the Restriction Requirement and formal examination of the proper Group II claims 22-30 and 49-52.

#### PRELIMINARY AMENDMENT

Please amend claims 32-48 as follows:

32.(AMENDED) The composition of claim 31 wherein the active pharmaceutical ingredients are free bases or salts selected form the group consisting of maleate, citrate, chloride, hydrochloride, bromide, hydrobromide, acetate, sulfate, mesylate, palmitate, and stearate.

33. (AMENDED) The composition of claim 31 wherein the tannic acid is natural or synthetic.

34. (AMENDED) The composition of claim 31 wherein the dispersing agent is selected from the group consisting of magnesium aluminum silicate, xanthan gum and cellulose compounds.